IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 11592 of 2004(E)

PETITIONER:

N.R.SIVARAMAN, AGED 57 YEARS,
S/O. LATE N.A.RAMAN, (FORMERLY VILLAGE ASSISTANT),
NADACKANAL HOUSE, NEYYASSERI 685 581.

BY ADV. SRI.MOHAN JACOB GEORGE
SMT.REENA THOMAS

RESPONDENTS:
---

1. STATE OF KERALA REPRESENTED BY THE
CHIEF SECRETARY, GOVERNMENT OF KERALA, TRIVANDRUM.

2. PRINCIPAL SECRETARY REVENUE DEPARTMENT
GOVERNMENT OF KERALA, TRIVANDRUM.

3. KERALA LOK AYUKTHA, REPRESENTED BY ITS
SECRETARY, KESAVADASAPURAM, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT. SMITHA SUKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06 /07/07, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 11592 of 2004(E)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE JUDGMENT IN O.P.NO.17439/93 DTD. 31.11.2000.

EXT.P2: COPY OF THE ORDER DTD. 5.8.2002 OF THE GOVERNMENT.

EXT.P3: COPY OF THE ORDER DTD. 21.12.2002 OF THE KERALA LOK AYUKTHA.

EXT.P4: COPY OF THE LETTER OF THE GOVERNMENT CALLING FOR A REPORT FROM THE TAHSILDAR, THODUPUZHA DTD. 30.1.2002.

EXT.P5: COPY OF THE GOVERNMENT ORDER NO. 33968/03/03 RD DTD. 29.7.2003.

EXT.P6: COPY OF THE ORDER DTD. 26.2.2004 OF THE KERALA LOK AYUKTHA./

EXT.P7: COPY OF THE GOVERNMENT LETTER NO.89491/PWC.A3/2001/FIN. DTD 1.12.2001.

EXT.P8: COPY OF LETTER NO.SSI-2415/2001 DTD. 18.2.2003 OF THE DISTRICT COLLECTOR, IDUKKI, ADDRESSED TO THE PETITIONER.

...

RESPONDENT'S EXHIBITS: NIL

....

// TRUE COPY//

P.S. TO JUDGE.

THOTTATHIL B. RADHAKRISHNAN, J.

= =

WP(C).No.11592 OF 2004-E

= =

Dated this the 6th day of July, 2007.

JUDGMENT

By the impugned Ext.P6, the Lok Ayukta has held that the petitioner, not being a pensioner, is not entitled to compassionate allowance.

2. Petitioner joined service on 20-1-1968. He was suspended from service on 13-9-1971 along with 12 others and was removed from service on 27-8-1979. By Ext.P1 judgment, this Court directed consideration of the representation filed by the petitioner before the State of Kerala. The Government, as per Ext.P2, rejected that

representation. By Ext.P3, the Lok Ayukta directed the Government to reconsider the case of the petitioner. The Government again rejected it. The Lok Ayukta, by the impugned decision, has confirmed it by stating in clear terms that under Rule 5(a) relied on by the petitioner, the question of granting compassionate allowance does not arise. The impugned Ext.P6 is in order. The same is not vitiated on any count of law or jurisdictional error. The writ petition fails. The same is accordingly dismissed. No costs.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-